

REMARKS

Claims 1-49 are pending in this application. All of the pending claims were rejected under 35 U.S.C. §102(e) as being anticipated by Sistanizadeh. Claims 1, 14, 26, 29 and 39 are currently amended. Reconsideration is respectfully requested.

With regard to the Office's Response to Applicant's arguments filed 10/26/05, in which the Office quotes a passage of Sistanizadeh for teaching obtaining a new optical communication path for a user, Applicant respectfully traverses. The cited passage itself shows that Sistanizadeh merely provides information about the network without ever actually provisioning network resources. Applicant urges the Examiner to review the cited passage to specifically distinguish between provision of information versus provision of an actual optical pathway ready for use. Applicant is unable to find any teaching in Sistanizadeh that any sort of proxy establishes a new path on behalf of a user. It should also be noted that providing the network information to the user so that the user can establish their own optical path has the undesirable consequence of revealing sensitive information to the user as discussed above.

Despite the above distinction and traversal, Applicant has amended the claims to further distinguish Sistanizadeh. As amended, the presently claimed invention distinguishes Sistanizadeh because network topological information is not exposed to the user. Carriers generally regard information about the topology of their network to be sensitive and proprietary. Sistanizadeh teaches that a service level manager stores network topology information for providing service level management.¹ The service level manager includes a user interface for providing information to users.² Specifically, the user interface is accessible by end-use

¹ Col. 2, lines 39-41

² Col. 2, lines 48-50

customers.³ Because the user interface is accessible by end-use customers, and the service level manager has the carrier's network topology information, the carrier's network topology information can be obtained by the end-use customers. In contrast, the presently claimed invention does not expose the network topology to the customer. This can be accomplished, for example, by the technique described in the specification at page 22, lines 8-14, which supports the claim amendments. Claim 1 therefore distinguishes Sistanizadeh by reciting "An optical service agent ... network information related to the communication services, including network topological information; and optical service logic for obtaining a new optical communication path from the optical communication network via the UNI based at least in-part on the network information related to the communication services and managing said optical communication path for the user without exposing the network topological information to the user." Claims 14, 26, 29 and 39 recite similar distinguishing limitations. Claims 2-13, 15-25, 27, 28, 30-38 and 40-49 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 1-49 is therefore requested.

³ Col. 2, lines 50-52

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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